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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,708	05/19/2006	Christoph Becke	2003P01779WOUS	9606

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BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

EXAMINER	
MEHMOOD, JENNIFER	
ART UNIT	**PAPER NUMBER**
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,708	BECKE ET AL.	
	Examiner	Art Unit	
	Jennifer A. Mehmood	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 May 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *14-31* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *14-19,21 and 23-31* is/are rejected.

7)☒ Claim(s) *20 and 22* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *19 May 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/19/2006*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Specification

1. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

(a) TITLE OF THE INVENTION.
(b) CROSS-REFERENCE TO RELATED APPLICATIONS.
(c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
(d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
(e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
(f) BACKGROUND OF THE INVENTION.
    (1) Field of the Invention.
    (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
(g) BRIEF SUMMARY OF THE INVENTION.
(h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
(i) DETAILED DESCRIPTION OF THE INVENTION.
(j) CLAIM OR CLAIMS (commencing on a separate sheet).
(k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
(l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 14-17, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiraoka et al. (US 6,405,544).

For claim 14, Hiraoka discloses an electric appliance comprising a plurality of operating elements which can be operated by a user; each operating element having an associated status display device (Figs. 3 and 4, items 7a, 7b; col 9, lns 1-31), and comprising a control logic unit which is coupled to the operating elements to detect user operations and is set up to adjust an operating state of the electrical appliance according to the user operations (col 17, lns 4-25; Fig. 8, item 22; Figs. 3 and 4, items 7), the control logic unit is furthermore set up to displace the status display of each operating element from which it is able to process a user operation into a first state according to an adjusted operating state, and to displace the status display of each operating element from which it is not able to process a user operation into a second state (col 7, lns 50-65; col 8, lns 21-32 and 56-67).

For claim 15, Hiraoka discloses the status display device is a light source for illuminating the allocated operating element in an illuminated state (Fig. 5B, col 6, lns 52-55; col 10, lns 32-45).

For claim 16, Hiraoka discloses the electric appliance includes a housing having a surface and the operating elements are arranged on the surface of the housing (col Figs. 2-4, item 7);

For claim 17, Hiraoka discloses the illuminated state is the first state of each status display device (col 10, lns 60-67; col 11, lns 1-13).

For claim 23, Hiraoka discloses an acoustic signal transmitter which delivers an audible signal when an actuation of an operating element has been detected (col 11, lns 59-65).

For claim 24, Hiraoka discloses the operating elements are combined with an alphanumeric display in an assembly (Fig. 3, item 7a).

For claim 25, Hiraoka discloses the electric device includes a refrigerating appliance (col 1, lns 1-10).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraoka et al. (US 6,405,544) and further in view of Yin et al. (US 2003/0202337).

Hiraoka does not disclose a non-illuminated operating element that has a color similar to the color of the surface of the surrounding housing. However, Yin discloses a non-illuminated operating element that has a color similar to the color of the surface of the surrounding housing (Fig. 6, items 134, 144; parag 0035). It would have been obvious to one of ordinary skill in the art, at the time the invention was made to have a

non-illuminated operating element that has a color similar to the color of the surface of the surrounding housing so that the non-illuminated operating element is camouflaged.

6. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraoka et al. (US 6,405,544) and further in view of Takayanagi (US 6,970,726).

Hiraoka does not disclose the control logic unit is furthermore set up to switch over all illuminated status displays into a non- illuminated state with a pre-determined delay after detecting the last actuation of an operating element. However, Takayanagi discloses the control logic unit is set up to switch over all illuminated status displays into a non- illuminated state with a pre-determined delay after detecting the last actuation of an operating element (col 2, lns 24-32). It would have been obvious to switch over all illuminated status displays into a non- illuminated state with a pre-determined delay after detecting the last actuation of an operating element to minimize power consumption.

7. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraoka et al. (US 6,405,544) and further in view of Moseley et al. (US 5,099,193).

Hiraoka discloses a proximity sensor operating element (col 9, lns 19-26), but does not disclose the operating element as being a capacitive proximity sensor. However, Moseley discloses a capacitive proximity sensor (col 4, lns 60-65). It would have been obvious to disclose a capacitive proximity switch so that a minimal amount of force will operate the switch.

8. Claims 26-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraoka et al. (US 6,405,544) and further in view of Shpater (US 6,104,319).

Hiraoka discloses a refrigerator comprising: a housing having an interior chamber, a door coupled to the housing for opening and closing the interior chamber, and a control panel, the control panel including a plurality of buttons for receiving user input and a display window for displaying information (Fig. 4, item 7; col 7, lns 17-25; col 8, lns 21-32); each button including a proximity sensor detecting contact of the button by the user (col 9, lns 20-37); and a control logic unit electrically connected to the control panel and controlling operation of the refrigerator (col 7, lns 50-65), the control logic unit receiving input signals from actuation of the buttons and sending output signals to control the display window (col 10, lns 32-60), the control logic unit adjusting operation of the refrigerator in response to user input on the control panel (col 10, lns 60-67; col 11, lns 1-15). Hiraoka, however, does not disclose each button having a light source. Shpater, on the other hand, discloses each button having a light source and the button being in an illuminated state when the light source is activated and a non-illuminated state when the light source is deactivated and a control logic unit activating the light source of at least one of the buttons and deactivating the light source of another of the buttons in response to receiving input signals from one of the buttons (col 3 lns 10-34; col 4, lns 4-10; Fig. 3, items 12, 24). It would have been obvious to disclose each button having a light source so that a visual indication is made as to a depressed button.

For claim 27, Hiraoka discloses the housing includes a freezer compartment and a refrigerating compartment, the buttons including a first button for selecting operating features of the freezer compartment and a second button for selecting operating

features of the refrigerating compartment (col 8, lns 56-67; col 9, lns 1-10; Fig. 3 – selecting chambers).

For claim 28, Hiraoka discloses the buttons include an increment button for increasing a selected operating feature of the refrigerator and a decrement button for decreasing a selected operating feature of the refrigerator (Figs. 3 and 4, item 7b).

For claim 30, Hiraoka discloses the window display includes a LCD display and a luminescent screen (col 8, lns 56-58).

9. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraoka et al. (US 6,405,544) and Shpater (US 6,104,319), and further in view of Namisniak et al. (US 5,487,276).

Hiraoka discloses a list of menu items, but does not permit the user to scroll through the items (Fig. 3 – wine, vegetable). However, Namisniak discloses permitting the user to scroll through a list of menu items and the buttons include a select button for selecting the desired menu item (Figs. 6 and 7; col 7, lns 54-67; col 8, lns 15-45). It would have been obvious to disclose a scrollable list of menu items so that a user edits the menu items as they change within the refrigerator.

10. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hiraoka et al. (US 6,405,544) and Shpater (US 6,104,319), and further in view of Burnett (US 6,295,004).

Hiraoka does not disclose a door sensor; however, Burnett discloses a door sensor switch for sensing if the door is open and connected to the control logic unit (col

1, lns 5-10; col 2, lns 1-15). It would have been obvious to disclose a door open sensor switch in order to warn an individual about the door status in order to avoid injury.

Allowable Subject Matter

11. Claims 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A Mehmood whose telephone number is (571) 272.2976. The examiner can normally be reached on M-F from 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Daniel Wu, can be reached at (571) 272.2964. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ben

BENJAMIN C. LEE
PRIMARY EXAMINER